

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

DAVID W. QUALLS

PLAINTIFF(S)

vs.

NO. **5:12CV00089 SWW**

PROFESSIONAL CREDIT MANAGEMENT

DEFENDANT(S)

FINAL SCHEDULING ORDER

This matter is now scheduled for trial to the Court in **PINE BLUFF**, Arkansas, during the week beginning **May 28, 2013** at **9:30 A.M.**. Counsel are to be present ***30 minutes prior*** to trial.

1. DISCOVERY COMPLETION

All discovery including evidentiary depositions, shall be completed ***no later than December 28, 2012***. The parties may conduct discovery beyond this date if all parties are in agreement to do so; *however, the Court will not be available to resolve any disputes which arise during the course of this extended discovery.*

2. MOTIONS DEADLINES

- a. Motions to amend the pleading (including the complaint) shall be filed by ***January 28, 2013***;
- b. Motions in limine shall be filed within the ***14 calendar days*** prior to trial; and
- c. All other motions, including motions for summary judgment, motions to dismiss, and motions pursuant to *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993), shall be filed by ***January 28, 2013***.

**FAILURE TO MEET THIS DEADLINE MAY RESULT IN
DENIAL OF SUCH MOTION/PLEADING SOLELY ON THE
BASIS OF UNTIMELY FILING.**

3. PRETRIAL CONFERENCE INFORMATION SHEET

The *Pretrial Disclosure Sheet* as outlined in Local Rule 26.2 shall be filed with the Clerk by *April 29, 2013*.

4. SETTLEMENT CONFERENCE

After discovery has been completed, the parties may request a settlement conference to be conducted by the Magistrate Judge. The request for such a settlement conference should be made no later than *30 calendar days* prior to trial date.

5. STIPULATION OF AGREED FACTS

A comprehensive *stipulation of agreed facts* shall be filed with the Clerk no later than *14 calendar days* prior to trial.

6. TRIAL BRIEFS & PROPOSED FFCL

Simultaneous trial briefs and proposed Findings of Fact and Conclusions of Law are to be submitted to the Court *14 calendar days* prior to trial. The Court requests counsel to provide the Findings of Fact and Conclusions of Law saved as a WordPerfect document or Rich Text Format file attached to an e-mail addressed to swwachambers@ared.uscourts.gov. Please type the case name and number in the subject box.

The parties are urged to e-mail the briefs to swwachambers@ared.uscourts.gov with *electronic links to citations*. Westlaw has software available for download free of charge: <http://west.thomson.com/software/westcitelink>. Use of these tools in word processing documents (Corel Word Perfect or Microsoft Word) will provide automatic links to the full text documents in Westlaw. Further, the Court encourages the parties to utilize citation-checking services available online.

7. STATISTICAL DATA

Any statistical data to be introduced into evidence shall be reduced to graph, chart or other comprehensive written form and presented to the court *14 calendar days* prior to trial. Any objection to the statistics or the factual basis thereof shall be delivered *7 calendar days* thereafter.

8. MARKING & EXCHANGE OF ALL EXHIBITS

To avoid delay during trial, counsel shall *mark and exchange all exhibits prior to trial*, stipulating to as many as possible. *The exhibits are to be listed in numerical sequence. Note stipulations and objections on the exhibit list.* If there is *an objection* to an exhibit, *attach a statement* setting out the basis for both the offer and the objection. The list is to be *delivered/mailed/e-mailed* to Cecilia Norwood (cecilia_norwood@ared.uscourts.gov) *no later than 7 calendar days* prior to trial.

9. MERGERS & ACQUISITIONS

If any party is a publicly-traded corporation, counsel should keep the Court advised of any actual merger or a pending acquisition so that the Court might prevent conflicts of interest from arising from the Judge's financial holdings.

11. COURTROOM TECHNOLOGY

Counsel should contact the Court prior to trial regarding the Court's electronic equipment for presentation of evidence, and if necessary, the Court will schedule a pretrial courtroom visit in order that counsel may become familiar with this electronic equipment, which the Court expects counsel to use during presentation of documentary evidence at trial.

In the event of settlement, please notify Ms. Cecilia Norwood at (501) 604-5104 *immediately*.

IT IS SO ORDERED this 26th day of *June 2012*.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
OFFICE OF THE CLERK
600 WEST CAPITOL AVENUE
SUITE A107
LITTLE ROCK, ARKANSAS 72201

JAMES W. McCORMACK
CLERK

(501)604-5104
Fax (501)604-5321

NOTICE TO ALL PARTIES IN THIS CASE OF ACTION

The complaint in the captioned case is presently assigned to Judge Susan Webber Wright's docket. Pursuant to 28 U.S.C. Sec. 636(c), a Magistrate Judge can be empowered by the consent of the parties to make final disposition of the matter without reference to a District Judge for review. The Magistrate Judge can also conduct a jury trial, if one was requested by either party. Appeal from a judgment entered by the Magistrate Judge would be directly to the United States Court of Appeals for the Eighth Circuit.

I am enclosing a Consent to the Exercise of Jurisdiction By a United States Magistrate Judge. If you wish the Magistrate Judge to handle the case to its conclusion, please complete the form and return it to me. I will present the Consent to the Court for approval after all parties have signed it.

I call your attention to the fact that the Scheduling Order issued in this matter contains the trial date scheduled on Judge Wright's docket. It is not an indication that the same date is available on the Magistrate Judge's calendar. However, the Magistrate Judge may be able to accommodate a more expedited trial date in some instances.

Yours very truly,
CECILIA NORWOOD
Courtroom Deputy for Judge Wright

Encs.

UNITED STATES DISTRICT COURT

for the

EASTERN DISTRICT OF ARKANSAS

DAIVD W. QUALLS

Plaintiff

v.

PROFESSIONAL CREDIT MANAGEMENT

Defendant

Civil Action No. 5:12CV00089

NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

*Parties' printed names**Signatures of parties or attorneys**Dates*

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Reference Order

IT IS ORDERED: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: _____

SUSAN WEBBER WRIGHT

United States District Judge

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.